

CS DJ 400/20

SUDHA SHARMA Vs. OMI CHAND (SINCE DECEASED THR. HIS LEGAL HEIRS

**28.04.2022**

Present : Sh. Nitin Arora Adv., Ld. Counsel for plaintiff with plaintiff.

Sh. Amit Kumar Adv., Ld. Counsel for defendants with

Defendant no.1 & 3 in person.

Application under Section 340 CPC was moved by the plaintiff on 11.03.2022 for the violation of the order dated 17.01.2022.

Arguments heard. Permission sought by the plaintiff to withdraw the application seeking liberty to move proper application in accordance with law. Therefore, application under Section 340 CPC is dismissed as withdrawn with liberty as prayed is granted.

No Written Statement has been filed by the defendant. One week time is sought by the defendant to file the written statement. On the last date i.e. 17.01.2022 time was sought by the defendant counsel to file written statement. However, Ld. Counsel for defendant submits that he has been recently engaged in the present matter. Change of counsel *per se* does not entitle defendant to not to file the written statement. Though, more than 90 days have already been elapsed, however, Ld. Counsel for plaintiff submits that heavy cost may be imposed in case time is granted.

In view of the same, defendant is directed to file written statement within one week subject to cost of Rs.7,000/- to be paid by the defendant to the plaintiff with advance copy being supplied to the plaintiff. On failure to file the written statement, the right of the defendant to file written statement shall automatically stands closed.

Put up for further proceedings on **31.05.2022**.

**(Munish Markan)**

ADJ-02/(SE), District Courts, Saket,

New Delhi/28.04.2022